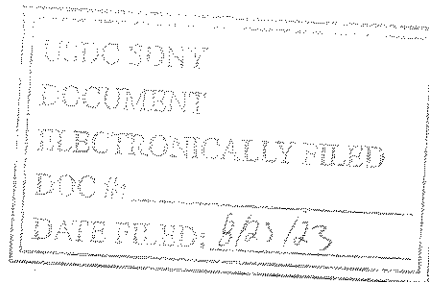


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August 21, 2023

VIA ECF

The Honorable Colleen McMahon
United States District Judge
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street, Room 24A
New York, NY 10007-1312
Email: ChambersNYSDMcMahon@nysd.uscourts.gov

8/23/23
Stay will remain in effect
for 90 days while the parties
memorialize their settlement.

Re: Nespresso USA, Inc. et al. v. Peet's Coffee, Inc., 1:22-cv-02209-CM-RWL

Dear Judge McMahon:

We represent Plaintiffs Nespresso USA, Inc. et al. ("Plaintiffs") in the above-referenced proceeding. We write jointly with counsel for Defendant Peet's Coffee, Inc. ("Peet's") and are pleased to inform the Court that the parties have reached agreement on the material terms of a settlement, have executed a confidential and binding Term Sheet, and are working diligently to draft and finalize a definitive settlement agreement that will enable the dismissal of this proceeding, with prejudice. The parties have separately written to Magistrate Judge Lehrburger to inform him of the same.

In light of this development, the parties respectfully request that the stay of proceedings (Dkt. No. 117) remain in effect until the parties have executed a definitive settlement agreement, after which the parties anticipate promptly dismissing the action.

The parties thank the Court for its time and consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A. John P. Mancini".

A. John P. Mancini

Cc: Counsel of Record (via email).